

Agenda and Materials for DEQ/EPA/BES Meeting on Stormwater Source Control
April 8, 2010

Overarching Goal: Ensure we are all on the same page regarding how stormwater source control decisions are being made and how stormwater will be addressed in the ROD.

Meeting Objectives:

- Concur on key elements of the strategy
- Identify critical unresolved issues in the strategy and decide upon next steps for addressing these
- Establish timeline for key accomplishments and deliverables

AGENDA

1. Check –in on meeting objectives
2. “Walk through” of topics presented in the meeting materials to affirm concurrence and/or identify issues needing further discussion.
3. Wrap up and Next Steps

DEQ's Comprehensive Stormwater Source Control Strategy: Major Components**Goal of Stormwater Source Control**

The goal of stormwater source control for Portland Harbor is to ensure that all stormwater discharges within and immediately upstream of the Portland Harbor Study that individually or collectively may inhibit achieving the remedial action objectives and relevant cleanup goals established for the Portland Harbor site are controlled on a schedule that ensures cleanup of the river can proceed with minimal risk of recontamination.

Stormwater in the ROD/DEQ's "Deliverable"

DEQ envisions its Stormwater Source Control Strategy, together with an associated tabulation/status of stormwater pathway investigations and accomplishments, to be the body of work that EPA can "point to" when indicating in the ROD that stormwater sources have been adequately controlled and will be managed in the future so as to be protective of the remedy.

Recontamination Potential

DEQ will evaluate the potential for stormwater to recontaminate harbor sediments. This evaluation will be general in nature and will inform the rationale for determining what kind of permits, programs, etc. are needed to ensure future stormwater discharges will not result in recontamination. The direction and extent of this effort will be informed by the results of initial trials.

Currently, DEQ is experimenting with the SEDCAM approach as developed by Maul Foster for Zidell's stormwater source control evaluation. DEQ also anticipates that the LWG will use the Hybrid model to run recontamination scenarios as well.

Recontamination evaluations for individual upland sites will be conducted by RPs on an as needed basis. Decisions as to where "as needed" applies will be informed by the generic evaluation described above and may be necessary where the localized in-water depositional environment increases the potential for recontamination to occur.

A similar rationale will be applied at shared outfalls. Where recontamination potential is found to exist, DEQ will evaluate the feasibility of various strategies for reducing the threat (e.g., revisit SCDs at individual sites, cleanout conveyance systems, consider inline/end-of-the-pipe treatment, expand source control efforts to include additional sites, evaluate permit and municipal authorities, etc.) and take the appropriate action.

Water Column Risk

DEQ assumes that Water Quality Standards will be among the ARARs named in the ROD. DEQ will support the achievement of this ARAR through an evaluation of industrial stormwater permit requirements for Harbor area dischargers and implementation of a geographic general permit (or similar construct) if necessary to minimize stormwater's contribution to Human Health risk. DEQ will also consider whether/how individual stormwater permits and MS4 permits for Harbor dischargers might be modified to better support cleanup goals.

Industrial Stormwater General Permit

DEQ is evaluating the need for a Harbor-specific industrial stormwater permit and will discuss the status of this effort, including a brief description of a number of variables/considerations that will shape this evaluation, at today's meeting.

Sufficiency of Source Identification Efforts (Have we identified all the significant sources?)

DEQ and the City have been involved in extensive and iterative efforts to identify contaminant sources. As a result, DEQ is confident that all significant sources will have been identified well before the issuance of the ROD. DEQ will be presenting a summary of these activities in written and graphical formats to demonstrate the comprehensive nature of these efforts.

Adequacy/Effectiveness of Stormwater Source Control

Prospective: This strategy describes how DEQ will demonstrate that stormwater is being and will be managed to ensure that it is protective of the in-water remedies in the future. The City plays an important role in achieving this objective through its policies, programs and authorities that guide/regulate numerous land use and development activities. A description of these efforts will be included in DEQ's documentation. DEQ fully expects that these efforts will demonstrate that its stormwater source control objective has been met (i.e., that the Harbor cleanup can proceed with minimal risk of recontamination due to stormwater discharges).

Retrospective: Although permittees will continue to collect stormwater data following the Harbor cleanup, the success of the overall stormwater source control effort ultimately depends on an evaluation of its impacts on in-river sediments. DEQ believes that the most efficient way to evaluate this will likely be to weave this interest into post-remedy, long-term monitoring plan(s). Hence, this is a conversation for a later date.

Other Potential Discussion Topics

- Timeline for completing significant components of the strategy (relative to the CERCLA schedule)
- Opportunity for public input prior to finalization of the Proposed Plan
- Another check-in on progress/schedule for achieving source control (all pathways)
- Next steps